IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1273 OF 2006

Mrs. (Dr.) Nomani Tabassum ...Petitioner

Versus

The Deputy Director of Education,
Mumbai Region, Mumbai and Ors. ...Respondents

Mr. S.G. Kudle for the petitioner.
Mr. S.R. Nargolkar, Assistant Government Pleader for respondent Nos. 1, 2 and 5.
Ms. Shikpa Talhar for respondent Nos. 3 and 4.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: OCTOBER 04, 2006.

P.C.

The petitioner was initially appointed as a Urdu Teacher on clock hourly basis during the year 1997-98. She was subsequently appointed as a full time teacher vide order dated 12th June, 2002. The management subsequently forwarded her case to the Deputy Director of Education, respondent No.1 for approval. This proposal was rejected on 4th October, 2002, on the ground that the certified copy of the roster maintained by the management had not been submitted

therewith. An order was also made on 3rd November, 2003, rejecting the case of the petitioner on the ground that there was not enough workload for the subject in question. The petitioner has accordingly approached this Court by way of this writ petition claiming that she was entitled to regular appointment with effect from 12th June, 2002, that is the date on which the proposal has been made by the College Management to respondent No.1.

2. Reply affidavit has been filed by the respondent-State raising two basic issues; firstly that the post in question had to be filled in from a backward class candidate, and secondly that the absence of the workload did not justify the cause of the petitioner. Mr. Kudle, learned counsel for the petitioner, has argued that the first issue raised by the respondents was on the face of it unacceptable as the post in question being that of Urdu Teacher was a single and an isolated post and that a roster would thus not be applicable to such a post. We find merit in his plea. Concededly, the post in question is an isolated and a single post. The question of the reservation of such a post would not arise as it would amount to a reservation of 100%. Mr. Nargolkar, learned Assistant Government Pleader, has, however, pointed out that the workload also did not justify the appointment of a regular teacher. We

are of the opinion that this matter should be considered by the respondents again in the light of the latest situation on the ground and instructions within a period of eight weeks from the date of receipt of this order. This petition is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.